

**STATE OF NEW YORK: SUPREME COURT  
COUNTY OF BROOME**

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**JOHN DOE,**

**Plaintiff,**

**-vs-**

**COMPLAINT**

**THE BOYS AND GIRLS CLUB OF WESTERN  
BROOME, INC., a/k/a LOUIS N. PICCIANO  
BOYS' CLUB INC., a/k/a BOYS' CLUB OF  
GREATER ENDICOTT, INC.,**

**Defendants.**

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Plaintiff complaining by and through his attorney, Law Office of Ronald Benjamin  
alleges as follows:

1. This action is commenced IN ACCORDANCE WITH CPLR 214-G AND 22 NYCRR 202.72. This complaint is filed pursuant to the Child Victims Act (CVA) 2019 Sess. Law News of N.Y. Ch. 11 (S. 2440), CPLR 214-G, and 22 NYCRR 202.72. The CVA opened a historic one-year one-time window for victims and survivors of childhood sexual abuse in the State of New York to pursue lapsed claims.
2. Plaintiff John Doe resides in Broome County and is the victim of child abuse as is more fully set forth below and therefore proceeds by using a pseudonym pursuant to section 50 B (2). Of the Civil Rights Law of the State of New York protecting plaintiffs' identity as a child abuse victim.
3. Defendant Boys Club of Western Broome, a.k.a. Louis M. Picciano Boys Club and a.k.a. Greater Endicott Boys Club is a New York corporation with offices

located at 1 Clubhouse Rd., Endicott, NY. (Hereafter Boys Club)

4. That the defendant, Boys Club provided varying recreational activities to children in the Endicott area on a daily basis at all times herein mentioned.
5. In 1976 the Plaintiff moved to the Endicott area with his family. At the encouragement of his mother the plaintiff went to the Boys Club to see what they offered and to meet other kids.
6. The plaintiff heard of a program offered to lower income families through Opportunities for Broome, where he could get a summer job at Boys Club.
7. That at the aforesaid time the defendant employed a Gerald Berg who ran the pool and was otherwise responsible for supervising children attending the Boys Club.
8. Upon information and belief, officer's agents and officials of the Boys Club failed to properly screen Berg to ensure that he was competent and did not have any propensities to engage in sexual abuse or other unsavory activities.
9. Upon information and belief, some time prior to the time plaintiff commenced employment at the Boys Club he was subjected to sexual abuse by Berg which should have been discovered by agents, officers and employees of the Boys Club sometime prior to plaintiffs' employment at the club.
10. Upon going to the Boys Club the plaintiff would see fellow classmates that spoke about swimming in the Olympic sized pool.
11. Upon going to the Boys Club Gerald Berg approached the plaintiff and told him he was the swim coach and asked him if he could swim.
12. Thereafter Gerald Berg would approach the plaintiff every time he would go to the Boys Club. Berg would always touch the plaintiff on the shoulder or rub his back,

which made the plaintiff very uncomfortable and he would pull away.

13. The plaintiff was scared at the pool and didn't have swim trunks. Berg told him "Don't worry I'll hook you up."
14. The plaintiff wanted to return the trunks that Berg had given him. Berg told him that he could change in his office and then asked him if he had ever seen Playboy or Hustler.
15. When they got to Berg's office he asked the plaintiff if he had a physical. The plaintiff said "no, do I need to get one?" Berg told him "yeah, but I can give you one here." The plaintiff asked "really?", which Berg responded "yeah, it's nothing."
16. Gerald Berg told the plaintiff to pull down his swim trunks. This made the plaintiff very uncomfortable and he felt like he was ready to jump out of his skin. The plaintiff did as he was told as he believed that Berg was authorized to give him a physical and he believed he needed it to be able to get a summer job.
17. The plaintiff had physicals done in school before and knew that the doctors would "squeeze your testicles." The way Berg stood there and looked at him made it feel very strange.
18. The plaintiff said that Berg began grabbing the plaintiff's testicles and rubbing his hands on the plaintiff's penis. Berg was telling him to "just relax", touching his hip and leg then rubbing on his penis again. Berg was touching him very softly, like a woman might, which kind of excited the plaintiff and Berg was asking him questions about Playboy and asking "do you know how to jerk off?", "do you jerk off when you look at the pictures?" Berg told the plaintiff "I can show you how

to come real fast.” The incident lasted 5-10 minutes.

19. The plaintiff pulled away because he was very uncomfortable. Berg asked him what was wrong, plaintiff said “I have to go home, I am uncomfortable.” The plaintiff was really scared and embarrassed. The plaintiff was raised in a devout catholic family and he didn’t know how to tell his mother or anyone about what had happened so he kept it a secret.
20. About a week later Berg tried to get him to take a shower with him at the Boys Club. The plaintiff was coming out of the shower and Berg was naked going into the shower. Berg tried to touch the plaintiff, The plaintiff balled up his fists at his side and told Berg to stay away from him.
21. The plaintiff went to get dressed when Berg came out of the shower toweling himself off, he asked, in an aggressive manner if the plaintiff had said anything to anyone. The plaintiff did not respond. Berg walked over and put his hand on the plaintiffs shoulder and told him not to worry, just don’t tell anyone.
22. The plaintiff was offered a job through Opportunities for Broome doing general maintenance at the Community Memorial Center which was where the Boys Club was located. The plaintiff continued working through the summer and never told anyone what Berg had done to him. He no longer seen Berg as he was working in a different building.
23. The plaintiff met and made friends with another boy that worked with him. The boy told the plaintiff that Berg had asked him if he looked at porno and then Berg showed him how to masturbate. The boy said that Berg had fondled his testicles, penis and masturbated him. The plaintiff never said anything about what had

happened to him. The boy moved away and the plaintiff only worked that one summer.

24. One day while him and his friend were at the Boys Club they went into an area like a steam room. While the plaintiff was waiting for his friend Berg came through. He felt like Berg was trying to intimidate him and Berg said "if you ever tell anyone you will end up in a foster home."
25. The plaintiff was a very quiet child who never talked back to his mother. He went to confession every Saturday and mass every Sunday. He became very worried that the other kids would find out what Berg had done to him and tease him.
26. The plaintiff became so afraid that he even thought of running away, he thought he was going to get arrested for doing something bad, he kept thinking that the police were going to come and kick the door down at his home.
27. The plaintiff started having nightmares and became even more withdrawn, he was scared to death walking to and from school. When he would see the police he was so scared and paranoid that he thought they were coming after him.
28. That plaintiff was so ashamed of what happened he never went to seek counseling as he could never bring himself to discuss any of the events that transpired and as such has been further victimized by not being able to move toward rehabilitating himself.
29. That the plaintiff continues to be saddled with feelings of guilt, and of being deprived of a normal childhood and he began to heavily drink because of the inability to cope with feelings of both guilt and anger at what happened to him.
30. That plaintiff was so distraught he dropped out of school during the eleventh

grade.

31. The plaintiff has had numerous failed relationships along with two failed marriages and very strained relationships with his children as he has never spoke of anything that happened.
32. He has struggled his whole life with trust issues and not allowing himself to make friends. He secluded himself throughout his entire life, not allowing anyone to be close to him.
33. When he joined the military he would wait until everyone showered, often taking his shower in cold water. It made his skin crawl thinking of going into the shower with other people. It was the same way in school as he would wait until last minute to shower. The gym teachers would yell at him. These moments were a trigger and made him continually relive what Berg had done to him.
34. He has struggled with intimacy in all relationships that he has had.
35. That thereafter plaintiff and Mary Roe had a brief marriage that lasted approximately two years when Mary Roe filed for divorce as the plaintiff was not able to explain to her why he struggled with intimacy and trust issues which were the demise of their marriage.
36. That thereafter plaintiff and Jane Doe were married for eight years; this marriage produced three children. The marriage was strained because he had no sexual desires and Jane Doe was becoming more and more frustrated. He could not tell her what had happened to him when he was a child and this lack of interest in sexual relations with her became a bigger and bigger problem as the marriage went on.

37. Jane Doe had their first child approximately a year after they were married.
38. Thereafter Jane Doe became pregnant with twins. The plaintiff was shocked as their sexual relations were minimal at best. He was not able to help his wife with changing, bathing and/or putting lotion or powder on the babies. He was not able to explain to his wife why and let her believe that he was just not interested in helping with the care of the children. She also believed that he was not interested in any type of intimate relationship with her which led to ended of the marriage.
39. Thereafter the plaintiff was diagnose with stage 4 prostate cancer. He was unable to have a rectal exam or have the seeds placed to treat his cancer without being sedated and unconscious. The same thing happened when the plaintiff suffered with kidney stones; the doctor was unable to treat him without be sedated and unconscious.
40. That thereafter plaintiff was seen by his primary physician and diagnosed with depression and PTSD and made at least one suicide attempt.
41. That the injury to the plaintiff as set forth above occurred because in the first instance the Boys' Club failed to properly screen individuals responsible for the health, welfare and safety of the children it supervised, failed to properly monitor Berg who was sexually abusing children on an ongoing basis even before plaintiff began attending the club, and its agents, officers and employees otherwise failed to protect plaintiff from the abuse set forth above.
42. That the defendant is further responsible for plaintiff's injury pursuant to the doctrine of respondent superior.
43. That plaintiff has suffered throughout his lifetime with the aftermath of the


abusive activity of Gerald Berg and continues to suffer from the same.

44. That plaintiff is entitled to compensatory damages against the defendant in an amount to be proven at trial.
45. That to the extent the conduct of any of the agents, officers and employees of the defendant evinced a reckless disregard for the health, welfare and safety of the children it supervised, plaintiff is entitled to exemplary damages.
46. That the amount of damages sought by the plaintiff is in excess of the jurisdiction of all lower courts in the State of New York.

**WHEREFORE**, plaintiff demands judgment against the defendant as follows:

1. Award plaintiff compensatory damages in an amount to be proven at trial.
2. Award plaintiff exemplary damages in an amount to be proven at trial.
3. Award plaintiff such other and further relief as the court deems just and proper under the circumstances, including the costs and disbursements of this action.

Dated September 30, 2019  
Binghamton, New York

  
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